

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

RICHARD L. MORRIS, SR.,

Petitioner,

v. // CIVIL ACTION NO. 1:11CV43
(Judge Keeley)

WILLIAM FOX, Warden,
St. Mary's Correctional Center,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

On March 31, 2011, pro se petitioner, Richard L. Morris, Sr. ("Morris"), filed a petition pursuant to 28 U.S.C. § 2254. The Court referred this matter to United States Magistrate Judge James E. Seibert for initial screening and a report and recommendation in accordance with LR PL P 2.

On November 1, 2011, Magistrate Judge Seibert issued an Opinion and Report and Recommendation ("R&R") recommending that the Court grant the respondent's motion for summary judgment, deny Morris' motion to vacate his sentence, and dismiss this case with prejudice (dkt. no. 26). Magistrate Judge Seibert determined that, of the petitioner's four grounds for habeas relief, Morris had not exhausted his fourth claim, the state court's adjudication of the other three claims was not contrary to or an unreasonable application of federal law, and Morris had failed to set forth any valid claims. The R&R also specifically warned Morris and the defendant that his failure to object to the recommendation would

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result in the waiver of any appellate rights he may have. The parties, however, filed no objections.¹

Consequently, the Court **ADOPTS** the R&R in its entirety, **GRANTS** the respondent's motion for summary judgment (dkt. no. 18), **DENIES** the motion to vacate (dkt. no. 1) and **ORDERS** the case **DISMISSED WITH PREJUDICE** and stricken from the Court's docket.

It is so **ORDERED**.

Pursuant to Fed. R. Civ. P. 58, the Court directs the Clerk of Court to enter a separate judgment order and to transmit copies of both orders to counsel of record and to the pro se petitioner, certified mail, return receipt requested.

Dated: November 22, 2011.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE

¹ The failure to object to the Report and Recommendation not only waives the appellate rights in this matter, but also relieves the Court of any obligation to conduct a de novo review of the issue presented. See Thomas v. Arn, 474 U.S. 140, 148-153 (1985); Wells v. Shriners Hosp., 109 F.3d 198, 199-200 (4th Cir. 1997).